

REMARKS

The Office Action dated December 12, 2007 has been read and carefully considered and the present amendment submitted to better define the present invention.

In that Office Action, claims 1, 4-6, 10, 12 and 22-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Staebler, U.S. Patent 4,742,910. Claims 7, 8 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Staebler.

Accordingly, Applicant has now amended claim 1 to make it clear that there is a mechanical linkage system that is located within the cap holding device that carries out the selective “retaining or releasing of the cover” and it is submitted that such feature is neither shown nor suggested by the Staebler reference.

In fact, there is no suggestion anywhere in the Staebler reference that there is a way to release the needle sheath 28 from the needle sheath holder 10. As can be seen in the Figs of Staebler, the gripper assembly 16 clearly grips the needle sheath by means of the gripper members 20 when the syringe with the needle sheath is inserted into the needle sheath holder, however, nowhere is there a hint of the ability of again detaching that needle sheath from the needle sheath holder. Thus, the Staebler device seems to be a single use device where the needle sheath holder with the needle sheath retained therein is simply discarded after a single use.

As such, the device of Staebler is clearly used to unsheathe and to re-sheath the needle and nothing more, certainly contrary to the present invention where a mechanical linkage system is employed that can allow the user to retain and release the cover from engagement with the cap holding device multiple times.

The Examiner has pointed to an additional disclosure, that of Gach, that seems to feature a reusable system but the device of Gach is used with multiple devices where Staebler is used with one device or needle and is then apparently discarded after use with the single needle. However, the rejection of claim 1 is based upon 35 U.S.C. 102(b) and, if the Examiner wants to modify the disclosure of Staebler with some additional disclosure of Gach, it is suggested that the rejection be amended to be based upon 35 U.S.C. 103(a) to allow Applicant to argue the lack of a viable combination with a single use, disposable device of Staebler and the apparently multiple use device of Gach.

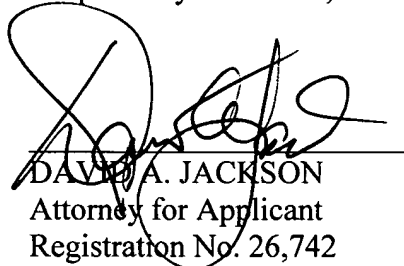
It is certainly not clear how Staebler can retract the needle sheath from the barrel member, nor is it apparent why Staebler would want to make the needle sheath removable in the first place. In any event, the present specification specifically describes a mechanical linkage system that provides the present device with the ability to carry out repeated steps of retaining and releasing of the cover from the cap holding device and there is no such feature described in Staebler.

Turning to claim 22, the claim has been amended to make it clearer that the protrusions extend radially inwardly of the cover and “into engagement with the hub” and, further, that the means for disengaging the cover from the hub comprises “one or more hooks” that engage the handle to move the internally facing protrusions “outwardly out of engagement” with the hub. That feature simply cannot be said to be present in Staebler since it would appear the gripper members of Staebler, if they are in any way comparable to the protrusions of the present invention, never seem to be out of engagement with the needle sheath, nor is there any mechanism to pull them outwardly and away from the needle sheath.

Finally, claim 26 has also been amended to add the "mechanical linkage" and also recites the presence of an actuator "positioned remotely from the housing" and which actuates the mechanical linkage system within the cap holding device and, again, there simply is no remote actuator in the Staebler reference that actuates a mechanical linkage.

Accordingly it is submitted that the newly amended claims are patentable over the cited references and an allowance of the present patent application is respectfully solicited.

Respectfully submitted,



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